

Timothy D. Brennan

From: Philip M. Black
Sent: Thursday, June 13, 2024 11:50 AM
To: Daniel H. Tabak; Sri Kuehnlenz; Jillian Gray; Metcalf, Jane (x2152); Feder, Daniel (x2236); Ricardo, Henry J. (x2340); Christine Cesare
Cc: Patricia I. Avery; Timothy D. Brennan
Subject: Schuman v. Visa - EFTA claim
Attachments: Visa gift card - DRAFT Second Amended Complaint.DOCX

Counsel,

We have considered the points you raised in the pre-motion conference on Monday. We continue to believe that Plaintiff's EFTA claim is valid and based on a proper textual interpretation of the statute and regulations, especially considering the statute's declared primary objective of providing individual consumer rights. However, in light of the hearing, we have determined that continued litigation of the EFTA claim is not in the best interest of Plaintiff or the proposed class. Accordingly, we intend to withdraw the EFTA claim via a second amended complaint, as proposed in the attachment hereto. In the interest of efficiency, please let us know if you consent to this amendment, in which case we will file it promptly, without affecting the motion to dismiss briefing schedule. We should also submit a letter to the Court advising of the nature of the amendment and that the briefing schedule can remain in effect.

Thanks,

Philip M. Black, Partner

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